

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5654 OF 2014

SAHEBRAO LAXMAN KADLAG
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Shivraj V.
APP for Respondent/State : Mr. V.D. Godbharale
Advocate for Respondent no.2 : Mr. Chaudhari Nitin K.

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.

Dated: June 23, 2015

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PER COURT :-

Heard.

2. The learned counsel appearing for the applicant submits that, even if the allegations made in the First Information Report are read in its entirety, the same does not disclose any offence. By any stretch of imagination the provisions of Section 354 of the Indian Penal Code cannot be levelled against the applicant, who is 70 years of age. It is further submitted that, since the civil disputes are pending between the parties, and therefore, the false complaint is lodged.

3. On the other hand, the learned counsel appearing for the original complainant invited our attention to the averments made in the affidavit in reply and submits

that, the offences alleged in the First Information Report are disclosed and those needs investigation.

4. We have given careful consideration to the submissions advanced by the learned counsel appearing for the applicant, the learned counsel appearing for the original complainant and the learned Additional Public Prosecutor for the State. Upon perusal of the allegations in the First Information Report, prima facie, it appears that, the offences are disclosed, same needs investigation. At this stage, no case is made out. The application stands rejected.

(**A. I. S. CHEEMA, J.**)

(**S.S. SHINDE, J.**)

sga/-

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